

REMARKS

Claims 1-17 and 20-27 are pending in the present application, with claims 7-10 amended by the present amendment. Claims 3, 9, 15-17 and 20-25 are withdrawn from consideration. Applicant's originally filed claims were the subject of a previous restriction.

Claims 7-10 are amended to correct typographical and antecedent informalities noted by Applicant. No new matter is added.

The Examiner has required election in the present application between:

Species I and II; Sub-Species A and B; Sub-Sub-Species 1, 2 and 3; and Sub-Sub-Sub-Species a and b.

For the purpose of examination of the present application, Applicant elects with traverse, Species 1-B-3-a. Applicant submits that claims 1-2, 4-8, 10-14 and 26-27 read on Species 1-B-3-a.

As noted in MPEP 808.01(a), a requirement for restriction is permissible if there is a patentable difference between the species as claimed and there would be a serious burden on the examiner if restriction is not required. See MPEP § 803 and § 808.02. Here, Applicant submits that examination of all claims would not place a serious burden on the examiner. Thus, Applicant requests that the restriction requirement be withdrawn.

If the Examiner does not agree that any one of claims 1-2, 4-8, 10-14 and 26-27 read on Species 1-B-3-a, the Examiner is authorized to withdraw any such claim from consideration and examine the remaining claims.

Applicant acknowledges the telephone interview between the Examiner and Applicant's representative on August 5, 2009. During the interview, the Notice of Non-Compliant Election of Species was clarified by the Examiner.

Applicant acknowledges the telephone interview between the Examiner and Applicant's representative on September 2, 2009. During the interview, the Examiner confirmed that the current election is proper.

It is respectfully submitted that it should be no undue burden on the Examiner to consider all claims in the single application. Thus, reconsideration and withdrawal of this Restriction Requirement are respectfully requested.

In the event that the Examiner persists in this requirement, Applicants reserve the right to file a Divisional application at a later time, if so desired.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Michael E. Monaco, Registration No 52,041 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No.: 10/769,815

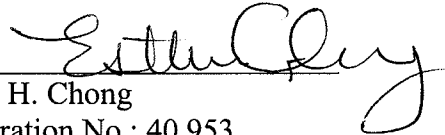
Docket No.: 3449-0302P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: DEC 15 2009

Respectfully submitted,

By



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